

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF OREGON**

**CARMEN C. GARCIA and LINETTE  
MONCAYO,**

Plaintiffs,

v.

**CITY OF SEASIDE, an Oregon municipal  
corporation, WILLIAM BARNES,  
individually, VICKI CLARK, individually,  
and TD&M ENTERPRISES, INC., an  
Oregon corporation,**

Defendants.

Case No. 3:20-cv-00032-AC

**ORDER**

**IMMERGUT, District Judge.**

On December 22, 2020, Magistrate Judge John V. Acosta issued his Findings and Recommendation (“F&R”) in this case, ECF 50, recommending that this Court grant Plaintiffs’ Motion for Leave to File Amended Complaint/Petition, ECF 28. No party filed objections.

**DISCUSSION**

Under the Federal Magistrates Act (“Act”), as amended, the court may “accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge.”

28 U.S.C. § 636(b)(1). If a party objects to a magistrate judge’s F&R, “the court shall make a de

novo determination of those portions of the report or specified proposed findings or recommendations to which objection is made.” *Id.* But the court is not required to review, de novo or under any other standard, the factual or legal conclusions of the F&R to which no objections are addressed. *See Thomas v. Arn*, 474 U.S. 140, 149–50 (1985); *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003) (en banc). Nevertheless, the Act “does not preclude further review by the district judge, *sua sponte*” whether de novo or under another standard. *Thomas*, 474 U.S. at 154.

No party having filed objections, this Court has reviewed the F&R and accepts Judge Acosta’s conclusions. The F&R, ECF 50, is adopted in full. Plaintiffs’ Motion for Leave to File Amended Complaint/Petition, ECF 28, is GRANTED. Plaintiffs are instructed to file and serve an amended complaint within fourteen days of entry of this Order.

**IT IS SO ORDERED.**

DATED this 13th day of January, 2021.

/s/ Karin J. Immergut  
Karin J. Immergut  
United States District Judge